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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/518,655	07/14/2005	Jeffrey Michael Axten	P33071	6798

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EXAMINER	
HABTE, KAHSAY	

ART UNIT	PAPER NUMBER
1624	

NOTIFICATION DATE	DELIVERY MODE
01/30/2009	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

US_cipkop@gsk.com

The 312 amendment was not entered because there is no support for said amendment in the specification. For the support, applicants indicate Example 11 (E2 isomer) and Example 13 (E1 isomer) in the specification, but the species disclosed in the specification are defective and can not be used as a support to add a species that was deleted by Examiner's amendment. See below the defective chemical structures for E1 and E2 isomers.

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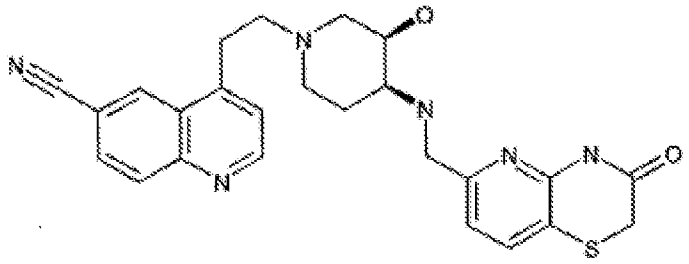
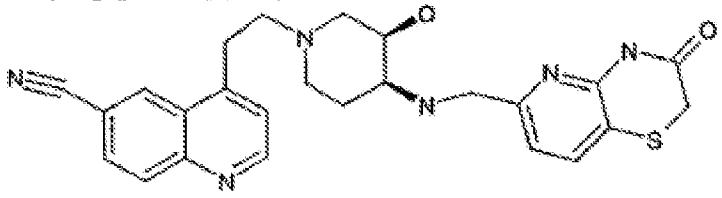
Example 11 4-[2-(3-hydroxy-4-{[(3-oxo-3,4-dihydro-2*H*-pyrido[3,2-*b*][1,4]thiazin-6-yl)methyl]amino}-1-piperidinyl)ethyl]-6-quinolinecarbonitrile dihydrochloride (E2 isomer)



Example 13 4-[2-(3-hydroxy-4-{[(3-oxo-3,4-dihydro-2*H*-pyrido[3,2-*b*][1,4]thiazin-6-yl)methyl]amino}-1-piperidinyl)ethyl]-6-quinolinecarbonitrile(E1 isomer)



The oxygen (O) attached at the 3-position of the piperidine ring is and the N attached at the 4-position of the piperidine ring are incorrect. The valency requirement for the O and N atoms attached to the piperidine ring violates the chemical rules of bonding.

Oxygen has to make two bonds if applicants intend an oxo (=O) group or an oxy group –O-. If the oxy is intended, then another atom has to be attached to it (e.g. –OH or –OCH_3). The same is true for the nitrogen. Nitrogen has to make three bonds to be neutral. The way N shown in E1 isomer or E2 isomer makes the whole molecule charged.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kahsay Habte whose telephone number is (571) 272-0667. The examiner can normally be reached on M-F (9.00AM- 5:30PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James O. Wilson can be reached at (571) 272-0661. The fax phone number for the organization where this application or proceeding is assigned is (571)-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Kahsay T. Habte/
Primary Examiner, Art Unit 1624

January 28, 2009